

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Auto Behave Mod		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/GB2004/002477		International filing date (day/month/year) 10.06.2004		Priority date (day/month/year) 10.06.2003
International Patent Classification (IPC) or national classification and IPC H04M1/725				
Applicant SYMBIAN SOFTWARE LIMITED et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 7 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 11.04.2005		Date of completion of this report 25.05.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer de Biolley, L Telephone No. +31 70 340-3137 		

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/GB2004/002477

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1, 2, 7-9	as originally filed
3-6	received on 14.04.2005 with letter of 11.04.2005

Claims, Numbers

1-13	received on 14.04.2005 with letter of 11.04.2005
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- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☒ the claims, Nos. 14-15
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Reference is made to the following documents :

- D1: US-B1-6 418 309 (BARATT MANON ET AL) 9 July 2002 (2002-07-09)
D2: US-B1-6 457 132 (BORGENDALE KENNETH WAYNE ET AL) 24 September 2002
(2002-09-24)

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 INDEPENDENT CLAIMS 1 AND 13

- 1.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 13, and shows (the references in parentheses applying to this document):

A wireless information device (fig. 1, ref. 10; col. 3, lines 33-38) programmed to automatically modify its behaviour (col. 4, line 65 to col. 5, line 3), the device enabling: an end-user to enter time-sensitive information (col. 5, lines 55-61) into a first application (calendar : fig. 3, ref. 48) running on the device, a second application running on the device to receive data relating to the time-sensitive information from the first application, and the second application then automatically changing the behaviour of the device appropriately in dependence on the data (col. 7, lines 8-33).

The difference between D1 and the subject-matter of claim 13 is the intermediary server enabling the first application to send data indirectly to the second application.

The subject-matter of claim 13 is therefore new (Article 33(2) PCT).

- 1.2 The problem to be solved by the present invention may be regarded as how to enable a plurality of first applications to send data to any number of second applications that are to respond to the time-sensitive information.

The solution to this problem proposed in claim 13 of the present application is

considered as involving an inventive step (Article 33(3) PCT) for the following reason:

providing an intermediary server enabling the first application to send data indirectly to the second application is neither suggested nor rendered obvious by the available prior art.

- 1.3 Similar reasoning can be applied to corresponding independent method claim 1. The subject-matter of said claim is therefore also new and inventive.

2 DEPENDENT CLAIMS

Claims 2-12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

- 1 Independent claims 1 and 13 are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
- 3 Some of the features in the device claim 13 relate to a method (i.e. functions or method steps) of using the device rather than clearly defining the device in terms of its technical features.
In particular, verbal forms such as :
 - the device enabling ...
 - the second application changing the behaviour ...
 - the first application sends ...do not clearly correspond to features of a device.

The intended limitations are therefore not clear from this claim, contrary to the re-

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quirements of Article 6 PCT.